

REMARKS

Claim Objection:

Claim 5 was objected to because of informalities.

Accordingly, the claim has been amended to overcome the objection.

Rejections under 35 USC §102(b)

Claims 1 and 5-11 are rejected under 35 USC §102(b) as being anticipated by Olson (U.S. Patent No. 5,123,146, cited by applicant).

Claim 1 has been amended to recite, among other things, “(1) either the first clipping arm or the second clipping arm has an elastic member at a second end, (2) the latching releaser is connected to the elastic member at a connecting point and extending toward the first end along the outer side of the first or second clipping arm, (3) either the male member or the female member is disposed on a tip end of an elastic member, the other of the male member or the female member being disposed on the other of first clipping arm and the second clipping arm, and (4) the elastic member has a fulcrum disposed further from the first end than the connecting point.”

In Olson, as shown in Fig. 5, end portion 15 which allegedly corresponds to the latching releaser is extending in the direction opposite to the hinge 13, which allegedly corresponds to first end. Therefore, the latching releaser is not extending toward the first end along the outer side of the first or second clipping arm.

Also, according to Olson, the point X which apparently functions as the fulcrum is positioned closer to as shown in Figs. 4, 4A and 5. Therefore, the elastic member does not have a fulcrum disposed further than the connecting point.

Thus, Olson does not teach or suggest “(2) the latching releaser is connected to the elastic member at a connecting point and extending toward the first end along the outer side of the first or second clipping arm,” and “(4) the elastic member has a fulcrum disposed further from the first end than the connecting point.”

By satisfying the recitations in amended claim 1, the latching is released by an outer force outward, but the latching is not released by an outer force inward. Therefore, even if outer force is given by falling or collision, the clip of the present invention does not easily come off. On the other hand, because the elastic member has a fulcrum disposed further from the first end than the connecting point, it becomes possible for the user to easily release the latch by simply pulling the latch releaser.

For at least these reasons, claim 1 patentably distinguishes over Olson. Claims 5-11, depending from claim 1, also patentably distinguish over Olson for at least the same reasons.

Rejections under 35 USC §103(a)

Claim 12 was rejected under 35 USC §103(a) as being obvious over Olson (U.S. Patent No. 5,123,146) in view of Oh et al. (U.S. Patent No. 4,834,096).

Application No.: 10/531,999
Art Unit: 3677

Amendment under 37 C.F.R. §1.111
Attorney Docket No.: 072444

Claim 12 depends from claim 1, which patentably distinguishes over Olson. Oh et al has been cited for allegedly disclosing a clip made from polyoxymethylene. Such disclosure, however, does not remedy the deficiencies of Olson discussed above.

For at least these reasons, claim 12 patentably distinguish over Olson and Oh et al.

In view of the aforementioned amendments and accompanying remarks, Applicants submit that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP



Sadao Kinashi

Attorney for Applicants
Registration No. 48,075
Telephone: (202) 822-1100
Facsimile: (202) 822-1111

SK/ar